





Planning Commission Staff Report

TO: PLANNING COMMISSION

FROM: AMY TEMES, SENIOR PLANNER
(480)-503-6729, AMY.TEMES@GILBERTAZ.GOV 

THROUGH: CATHERINE LORBEER, AICP, PRINCIPAL PLANNER
(480)-503-6016, CATHERINE.LORBEER@GILBERTAZ.GOV 

MEETING DATE: MARCH 5, 2014

SUBJECT: Z14-03 SPECTRUM PARCEL 16: REQUEST TO REZONE
APPROXIMATELY 4.5 ACRES OF REAL PROPERTY GENERALLY
LOCATED AT THE SOUTHWEST CORNER OF PALOMINO CREEK
DRIVE AND SPECTRUM WAY FROM TOWN OF GILBERT SINGLE
FAMILY -35 (SF-35) ZONING DISTRICT WITH A PLANNED AREA
DEVELOPMENT OVERLAY TO CONVENTIONAL SINGLE FAMILY -
7 (SF-7) ZONING DISTRICT.

STRATEGIC INITIATIVE:	Community Livability
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Allow for the rezoning of a vacant lot within the middle of the existing Spectrum Community, originally planned for a place of worship, to be developed as a single family residential subdivision comparable to adjacent lot sizes.

RECOMMENDED MOTION

FOR THE REASONS SET FORTH IN THE STAFF REPORT, MOVE TO RECOMMEND APPROVAL TO THE TOWN COUNCIL FOR Z14-03, AS REQUESTED, SUBJECT TO THE CONDITIONS LISTED IN THE STAFF REPORT.

APPLICANT/OWNER

Company: Ryan Associates
Name: Phillip Ryan
Address: 575 W. Chandler Blvd, #229
Chandler, AZ 85224
Phone: 480-899-5813
Email: mail@ryanassociatesonline.net

Company: Desert Cross Lutheran Church
Name: Mark Sanders
Address: 8600 S. McClintock Dr.
Tempe, AZ 85284
Phone: 480-730-8600

BACKGROUND/DISCUSSION

History

<i>Date</i>	<i>Action</i>
September 28, 1999	Town Council approved Ordinance No. 1209 for the Spectrum at Val Vista PAD including Spectrum Parcel 16 zoned as Single Family - 35.

Overview

Over the last fourteen years there have been 11 rezonings within the Spectrum Planned Area Development (PAD). Only the original zoning, Ordinance No. 1209, affected the subject property. This request is to remove Parcel 16 from the Spectrum Village PAD and to rezone from Single Family - 35 (SF-35) zoning district with a PAD overlay to conventional Single Family - 7 (SF-7) zoning district. The effect of the rezoning will allow the real property to be developed subject to the development standards for the Single Family - 7 (SF-7) zoning district as set forth in the Land Development Code (LDC). The proposed rezoning will increase density from approximately 1 DU/Acre (5 lots) to 7 DU/Acre (a total of 28 lots possible). The applicant has proposed 14 lots in the preliminary plat submittal.

Surrounding Land Use & Zoning Designations:

	Existing Land Use Classification	Existing Zoning
North	Public Facility Institutional and Residential > 2-3.5 DU/Acre	Public Facility Institutional
South	Residential > 2-3.5 DU/Acre and Residential > 14-25 DU/Acre	Single Family – 6 and Multi-Family / Medium
East	Residential > 5-8 DU/Acre and Residential > 14-25 DU/Acre	Single Family – Attached and Multi-Family / Medium
West	Residential > 2-3.5 DU/Acre	Single Family – 35 and Single Family - 6
Site	Residential > 2 - 3.5 DU/Acre	Single Family – 35

Compliance with the General Plan

The General Plan category encompasses this site and several other subdivisions within the Spectrum at Val Vista. The addition of up to 28 lots within this land use category does not exceed the General Plan density and the proposed rezoning is in conformance with the General Plan.

Rezoning

The Single Family – 35 zoning was used for places of worship and parks within the Spectrum development. The owners of the property have decided not to construct a place of worship at this location and have placed the property up for sale. Adjacent to the property and along Spectrum Way there are duplex homes, 6,000 sq. ft. lots, a park and a school. To the south of the property, across the Spectrum pedestrian paseo is an apartment complex. The Single Family – 7 zoning is consistent with the surrounding Single Family – 6, Single Family – Attached, Single Family – Detached and the Single Family – 8 along the canal.

No development standard modifications are requested.

PUBLIC NOTIFICATION AND INPUT

A notice of public hearing was published in a newspaper of general circulation in the Town, and an official notice was posted in all the required public places within the Town.

Staff has received no comment from the public.

A neighborhood meeting was held on January 6, 2014 at the Spectrum Community Center. Approximately a dozen HOA Board Members, adjacent neighbors and citizens attended the meeting. All were in favor of development of the parcel with the zoning proposed.

SCHOOL DISTRICT COMMENTS

This plan is consistent with the General Plan and the school district had no comments.

PROPOSITION 207

An agreement to “Waive Claims for Diminution in Value” Pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

REASONS FOR THE RECOMMENDATION

1. The proposed zoning amendment conforms to the General Plan as amended, any applicable Specific Area Plan, neighborhood, or other plan and any overlay zoning district.
2. All required public notice has been conducted in accordance with applicable state and local laws.
3. All required public meetings and hearings have been held in accordance with applicable state and local laws.
4. The proposed rezoning supports the Town’s strategic initiative for Community Livability. It supports the motto “Gilbert: Clean, Safe, Vibrant.”

STAFF RECOMMENDATION

For the following reasons: the development proposal conforms to the intent of the General Plan and can be coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval to the Town Council for Z14-03, a request to rezone approximately 4.5 acres of real property generally located at Palomino Creek and Spectrum Way from Town of Gilbert Single Family - 35 (SF-35) zoning district with a PAD overlay to conventional Single Family - 7 (SF-7) zoning district, subject to the following conditions:

1. At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert's written request may result in the reversion of the zoning of the Property to the prior zoning classification.
2. Developer shall create a Homeowner's Association (HOA) for the ownership, maintenance, landscaping, improvements and preservation of all common areas and open space areas, and landscaping within the rights-of-way.
3. Developer shall record easements to be owned by the POA or HOA for pedestrian, bicycle, multi-use or trail system purposes as determined by the final plat, at the time of final plat recordation, or earlier if required by the Town Engineer. Such easements shall be open to public access and use.

Respectfully submitted,

Amy Temes
Senior Planner

Attachments:

Attachment 1: Notice of Public Hearing
Attachment 2: Aerial Photo
Attachment 3: Zoning Exhibit

Notice of Public

Z14-03: Spectrum at Val Vista Attachment 1 - Notice of Public Hearing

PLANNING COMMISSION DATE:

TOWN COUNCIL DATE:

LOCATION: Gilbert Municipal Center, Council Chambers

50 E. Civic Center Drive

Gilbert, Arizona 85296

Wednesday, March 5, 2014* TIME: 6:00 PM

Thursday, March 27, 2014* TIME: 7:00 PM

*** Call Planning Department to verify date and time: (480) 503-6700**

REQUESTED ACTION:

Z14-03: Request to amend Ordinances No. 1209, 1285, 1373, 1431, 1527, 1537, 1573, 1582, 1641, 1665, and 1684 to remove approximately 4.5 acres of real property generally located west of the southwest corner of Palomino Creek Drive and Spectrum Way from the Spectrum Village Planned Area Development (PAD) and to rezone said real property from Town of Gilbert Single Family -35 (SF-35) zoning district with a Planned Area Development overlay zoning district to Single Family - 7 (SF-7) zoning district, as shown on the exhibit, which is available for viewing in the Planning and Development Services Office. The effect of the rezoning will be to allow the real property to be developed subject to the development standards for the Single Family - 7 (SF-7) zoning district as set forth in the Land Development Code. The proposed rezoning will increase density.

* The application is available for public review at the Town of Gilbert Development Services division Monday - Thursday 7 a.m. - 6 p.m.

SITE LOCATION:



APPLICANT: Ryan & Associates

CONTACT: Phillip Ryan

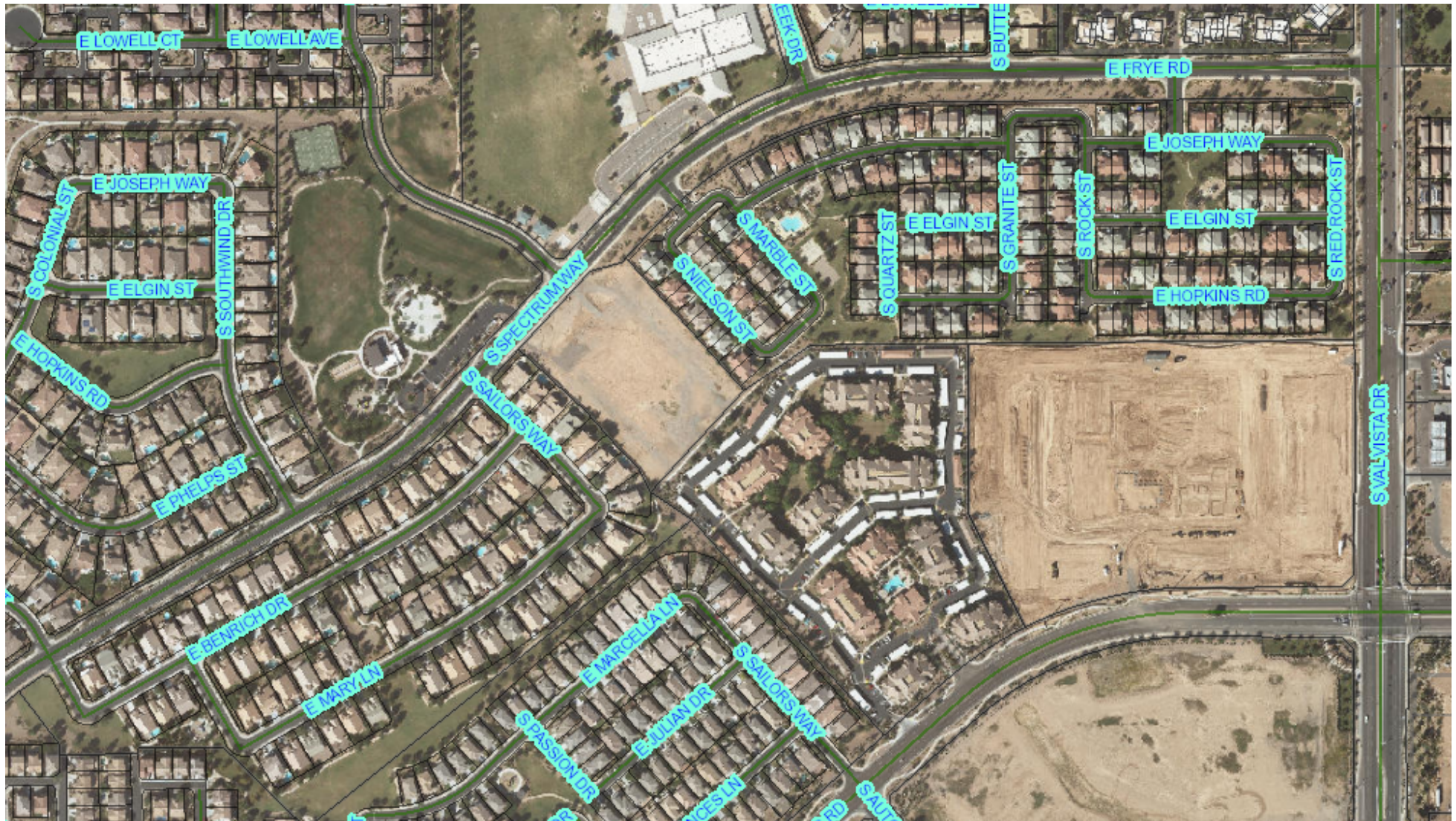
ADDRESS: 575 West Chandler Blvd, Suite 229

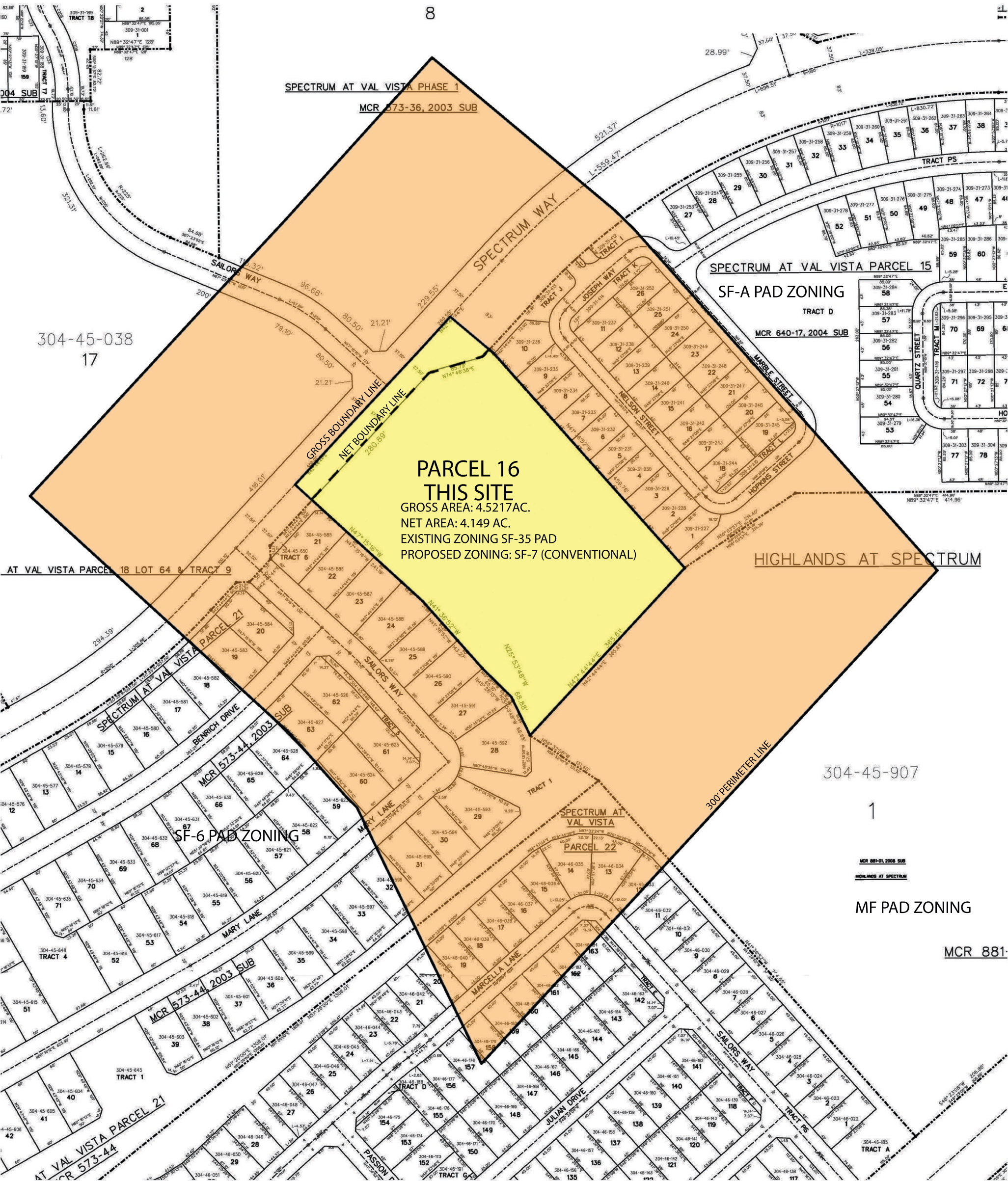
Chandler, AZ 85224

TELEPHONE: (480) 899-5813

E-MAIL: mail@ryanassociatesonline.net

**Z14-03: Spectrum at Val Vista
Attachment 2 - Aerial**





SPECTRUM @ VAL VISTA
PARCEL 16
(PPA-2013-0013)
GILBERT, ARIZONA

phillip r. ryan
landscape architect p.c.
landscape architecture & planning
575 w. chandler blvd., suite 229
chandler, arizona 85225
(480) 899-5813 fax (480) 963-3674

Re-Zoning Exhibit NORTH

